

## REMARKS

### I. PRELIMINARY REMARKS

Claim 53 has been amended. No claims have been added or canceled. Claims 8-29 and 52-65 remain in the application. Claims 10, 15, 17, 24, 27, 55 and 59-61 have been withdrawn from consideration. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Applicant notes with appreciation that claims 8, 9, 11-14, 16, 18-23, 25, 26, 28, 29 and 52 have been allowed. Additionally, as independent claim 8 is clearly generic to claims 10, 15 and 17, and independent claim 23 is clearly generic to claims 24 and 27, applicant respectfully submits that claims 10, 15, 17, 24 and 27 should also be allowed.

### II. PRIOR ART REJECTIONS

#### A. The Rejections

Claims 53, 54, 56, 58 and 62-65 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,322,064 to Lundquist (the Lundquist '064 patent).<sup>1</sup> Claim 57 has been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Lundquist '064 patent and U.S. Patent No. 5,306,245 to Heaven (the Heaven '245 patent). The rejections under 35 U.S.C. §§ 102 and 103 are respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

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<sup>1</sup> Applicant notes that the Office Action failed to refer to a single Figure or reference numeral in the Lundquist '064 patent and that the discussion below is based on applicant's best guess concerning the Examiner's interpretation of the claims. Should the rejection be maintained, applicant hereby requests that the next Office Action specifically identify, **by Figure and reference numeral**, those portions of the Lundquist catheters that purportedly correspond to the elements in the claims.

## B. The Cited References

The Lundquist '064 patent discloses a variety of catheters. Referring to catheter 501 illustrated in Figures 35B and 35C, the operation of which is discussed in the portion of the Lundquist '064 patent referenced in the Office Action, the catheter shaft 502 includes a torque tube 511 that is covered by shrink wrap 571. A tip piece 521 is carried at the distal end of the torque tube. The torque tube has three sections – sections 511a-511c. Torque tube section 511b may be shaped prior to use in the manner described in columns 24, lines 26-45. Torque tube section 511c is connected to the tip piece 521 by a fitting 526. [Note Figures 38 and 40.] The fitting 526 also anchors the pull string 553. The application of tension to the pull string 553 causes the torque tube 511 to bend in the manner illustrated in Figures 35B and 35C. The tip piece 521, which includes a tubular member 522 that carries electrodes 532 and 536-538, does not bend when tension is applied to the pull string 553 because the tip piece is located distal of the fitting 526.

The Heaven '245 patent discloses a device including a tubular member 2, which is supported on a catheter 15, and a wire 8. The tubular member 2 includes a hinge 6 that is defined by a cutout 7. The hinge 6 causes the catheter 15 to bend in a single plane in response to the application of tension on the wire 8. Applicant respectfully submits that the tubular member 2 is not, as asserted in the Office Action, “biased to a predetermined curvature.” [Office Action at page 4.] To the contrary, the tubular member 2 only bends in the manner illustrated in Figure 3 when tension is applied to the wire 8. [Column 5, lines 17-19.]

## C. Discussion

Independent claim 53 calls for a combination of elements comprising “a main body portion defining a proximal end and a distal end and including a preshaped portion having a predefined bend between the proximal and distal ends,” “**a deflectable portion**,” associated with the distal end of the main body portion and deflectable relative to the main body portion, **including a steering spring** defining a distal end and a

proximal end, ***the proximal end of the steering spring being located distal of the preshaped portion***” and “at least one operative element carried by the deflectable portion and ***longitudinally aligned with at least a portion of the steering spring.***” The combinations defined by claims 54, 56-58 and 62-65 include, *inter alia*, the elements recited in claim 53. Applicant respectfully submits that the cited references fail to teach or suggest the claimed combinations.

For example, it appears that the Office Action has taken the position that the Lundquist torque tube section 511b corresponds to the claimed “preshaped portion,” the Lundquist torque tube section 511c corresponds to the claimed “deflectable portion ... including a steering spring,” and one of the electrodes 532 and 536-538 corresponds to the “operative element.” Even assuming for the sake of argument that this is a reasonable interpretation of the claims, the Lundquist electrodes are located distally of the torque tube section 511c. [Figures 38 and 40.] Thus, there is simply no Lundquist electrode (the purported “operative element”) that is longitudinally aligned with the torque tube section 511c (the purported “distal section ... including a steering spring”), as called for in independent claim 53.

As the Lundquist ‘064 patent fails to teach or suggest each and every element of the combination recited in independent claim 53, applicant respectfully submits that claims 53, 54, 56, 58 and 62-65 are patentable thereover and that the rejection under 35 U.S.C. § 102 should be withdrawn.

Turning to claim 57, applicant respectfully submits that the Heaven ‘245 patent fails to remedy the aforementioned deficiencies in the Lundquist ‘064 patent with respect to independent claim 53. Claim 57 is, therefore, patentable for at least the same reasons as independent claim 53 and the rejection of claim 57 under 35 U.S.C. § 103 should also be withdrawn.

### III. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

6/9/05  
Date

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